

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

GARY PRIMM,)	
)	
Plaintiff,)	
)	
v.)	No. 1:06CV150 FRB
)	
MANAGEMENT CLEANING CONTROL,)	
)	
Defendant.)	

ORDER AND MEMORANDUM

This matter is before the Court upon the application of Gary Primm for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a). Plaintiff has submitted two financial affidavits (CJA Form 23) [Doc. #3] in support of his application for in forma pauperis status. See Local Rule 2.05(A). Plaintiff's financial affidavits are inconsistent, e.g., one form states that plaintiff is self-employed while the other states that plaintiff is unemployed. On the affidavit in which plaintiff claims to be self-employed, he did not state his monthly earnings. It is not clear which of the two affidavits is the most recent. As a result, the Court is unable to determine, at this time, whether plaintiff is financially unable to pay the filing fee. See 28 U.S.C. § 1915(a), Local Rule 2.05(A).

Additionally, plaintiff filed his complaint on the Court's generic complaint form for pro se litigants. Plaintiff's claims against defendant are for employment discrimination. The Court has

a specific complaint form for employment discrimination, which details the administrative procedures involved in bringing employment discrimination cases. Because plaintiff did not use the employment discrimination complaint, it is unclear what statutes plaintiff intends to bring his claim under and whether plaintiff has filed a charge of discrimination with the Missouri Commission on Human Rights or the Equal Employment Opportunity Commission. As a result, I will order plaintiff to file an amended complaint on the correct form.

Accordingly,

IT IS HEREBY ORDERED that, in addition to a copy of this Order, the Clerk of Court shall provide plaintiff with CJA Form 23 (financial affidavit) and with an Employment Discrimination Complaint.

IT IS FURTHER ORDERED that plaintiff shall have twenty (20) days from the date of this Order to pay the Court's filing fee of \$350.00, or to submit a fully completed CJA Form 23 (financial affidavit).

IT IS FURTHER ORDERED that the Court will dismiss this case, without prejudice, if, within twenty (20) days, plaintiff fails to pay the filing fee or to submit a fully completed CJA Form 23.

IT IS HEREBY ORDERED that plaintiff shall have twenty (20) days from the date of this Order to file an amended complaint.

IT IS FURTHER ORDERED that if plaintiff complies with this Order, the Clerk of Court shall cause this case to be resubmitted to the undersigned for review under 28 U.S.C. § 1915(a), (d).¹

Dated this 30th day of October, 2006.


UNITED STATES MAGISTRATE JUDGE

¹The Court notes that if plaintiff pays the filing fee, he will be responsible for serving the summons and the complaint upon the defendant. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m).